

MAR-03-1997
0030

1

RIGHT NUMBER: 72-10028

NAME AND ADDRESS: W HOWARD ELLIOTT
KATE M ELLIOTT
PO BOX 933
CHALLIS ID 83226

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/10/1983

POINT OF DIVERSION: T14N R19E S10 SNNWNW Within CUSTER County

PURPOSE AND PERIOD OF USE: DOMESTIC 2 HOMES
PERIOD OF USE 01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC T14N R19E S10
NNWNW Within CUSTER County

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NOS. RP000600000200A & RP000600000210A
PROPERTY IS LOT 20 AND LOT 21 OF ROCKY MOUNTAIN MEADOWS SUBD. THE WELL AND HOME ARE ON LOT 21, PIPELINE IS EXTENDED FOR DOMESTIC USE TO LOT 20 FOR INTERMITTENT DOMESTIC USE.

DATE: 01/17/97
PAGE: 33

DIVERSION
VOLUME



SE AC --

Audit:	06/15/93	SMITH	11/02/94	TBACKLUN	03/30/95	POST-STD	01/14/97	D&S-DSA
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-10028**
Date Received: 10/18/1989
Receipt No: C012338
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W HOWARD ELLIOTT 208-879-5356
Address: PO BOX 933
CHALLIS ID 83226
AND/OR
Name: KATE M ELLIOTT 208-879-5356
Address: PO BOX 933
CHALLIS ID 83226

2. Date of Priority: MAY 10, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	10	SW	NW	NW		CUSTER

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOMES

DEC 03 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	10	NW	NW		DOMEST	

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

PROPERTY IS LOTS 20 & 21, ROCKY MOUNTAIN MEADOWS SUBDIVISION.
DWELLING CONSTRUCTED AND WELL ARE ON LOT 21, PIPELINE EXTENDED
FOR DOMESTIC USE TO LOT 20 FOR INTERMITTENT DOMESTIC USE.
OWNERSHIP CHANGE MADE 11-2-94 BY TLB.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Water Right Number - R72-10028	Prefix Translation: RESEARCH	Old (D) Number -
+++ C - CURRENT OWNER *** ELLIOTT	W HOWARD	1 - PO BOX 933 2 - 3 - City- CHALLIS Phone - 208-879-5356 1 - PO BOX 933 2 - 3 - City- CHALLIS Phone - 208-879-5356 State- ID Zip- 83226
+++ O - ORIGINAL OWNER *** CUNNINGHAM	ROBERT C	1 - PO BOX 760 2 - 3 - City- GLENNS FERRY Phone - 208-366-2937 1 - PO BOX 760 2 - 3 - City- GLENNS FERRY Phone - 208-366-2937 State- ID Zip- 83623
CUNNINGHAM	ELAINE I	State- ID Zip- 83623
+++ C - CURRENT OWNER *** ELLIOTT	KATE M	1 - PO BOX 933 2 - 3 - City- CHALLIS Phone - 208-879-5356 1 - PO BOX 933 2 - 3 - City- CHALLIS Phone - 208-879-5356 State- ID Zip- 83226
+++ O - ORIGINAL OWNER *** CUNNINGHAM	ROBERT C	1 - PO BOX 760 2 - 3 - City- GLENNS FERRY Phone - 208-366-2937 1 - PO BOX 760 2 - 3 - City- GLENNS FERRY Phone - 208-366-2937 State- ID Zip- 83623
CUNNINGHAM	ELAINE I	State- ID Zip- 83623

Total Acres:

DEC 03 1996

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/18/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C012338	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-NOV-1994 09:25

HOWARD & KATE ELLIOTT
PO BOX 933
CHALLIS, ID 83226

RE: SRBA CLAIMS: **A72-10028**
ROBERT & ELAINE CUNNINGHAM

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM, WE HAVE CHANGED THE DEPARTMENT'S RECORD(S) AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS(S) FOR ACCURACY.

YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

DEC 03 1996

SD-0604-2 Township: 14N		Range: 19E		Section: 10		Tract: NWNW		Lot:	
S	L	STATE	Name	O	S	Max #	Records	10	
E	O	Water	Name	W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code Des
---	---	-----	-----	---	---	---	---	---	---
---	NWNW	A72-00012E	SPLIT RIGHT	C				05/01/1879	01 IRR
---	NWNW	A72-10028	MILLICK, WILLIAM	O					
---	NWNW	A72-10028	CUNNINGHAM, ROBERT C.	C			J	05/10/1983	43 DOMI
---	NWNW	A72-02104B	CUNNINGHAM, ELAINE I.	C					
---	NWNW	A72-02104B	ROWLAND, MARY	C	7	L		10/17/1955	01 IRR
---	NWNW	A72-10403	ROWLAND, CARROLL	C					
---	NWNW	A72-10403	SWINDELL, GARRY L.	C			J	08/05/1981	43 DOMI
---	NWNW	R72-10028	SWINDELL, KATHRYN M.	C					04 STOC
---	NWNW	R72-10028	CUNNINGHAM, ROBERT C	C			J	05/10/1983	43 DOMI
---	NWNW	R72-10403	CUNNINGHAM, ELAINE I	C					
---	NWNW	R72-10403	SWINDELL, GARRY L	C			J	08/05/1981	43 DOMI
---	NWNW	R72-10403	SWINDELL, KATHRYN M	C					04 STOC
---	NWNW	A72-02104A	BRADBURY, MILLIE	O	22			10/17/1955	01 IRR
---	NWNW	A72-02104A	SPLIT RIGHT	C					
---	NWNW	R72-02104B	ROWLAND, MARY	C				10/17/1955	01 IRR
---	NWNW	R72-02104B	ROWLAND, CARROLL	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

STATE

(Menu)

DEC 03 1996

CUSTER COUNTY TITLE, INC.
P.O. BOX 370 • CHALLIS, IDAHO 83226
(208) 879-4424 • FAX (208) 879-5249

MESSAGE

REPLY

TO

IDWR Southern Region Office
222 Shoshone ST. East
Twin Falls, Idaho 83301

DATE

RE: Cunningham-Elliott
9-2-94

Dear Sirs:

Please find enclosed change of ownership form, regarding the above sale which recently closed through our office.

Any questions can be directed to the buyers at the address shown on the form.

Thank you,


Della Brower
Secretary

BY

SIGNED

DATE

1 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

SEP - 6 1994
Department of Water Resources
Southern Region Office

INSTRUCTIONS TO SENDER
1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES INTACT.
Item #NN73U The Drawing Board, Dallas, Texas 75266-0429
© Wheeler Group, Inc., 1982

INSTRUCTIONS TO RECEIVER
DEC 03 1996
1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

SEP - 8 1994

Department of Water Resources
Northern Region Office

DATE OF CLOSING: 19 AUGUST 1994

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 19E
Section 10, NW 1/4 of NW 1/4 of 1/4 Govt. Lot , BM.
Lot(s) 20 & 21, Block, Rcy Mtn Md, Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A72-10028
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert C. and/or Elaine I. CUNNINGHAM
PO BOX 760
GLENNS FERRY IDAHO 83623
- ☐ New Owner/Claimant (Purchaser): W. Howard and/or Kate M. ELLIOTT
- ☐ New Mailing Address: PO BOX 933
CHALLIS IDAHO 83226
- ☐ New Telephone Number: (208) 879-5356

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- _____
- _____
- _____

- ☐ Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) W. Howard Elliott Date 9 Aug 1994
Kate M. Elliott Date 9 Aug 1994
- ☐ Signature of Former Owner/Claimant(s) Robert C. Cunningham Date 19 Aug 1994
Elaine I. Cunningham Date 19 Aug 1994

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 11-2-94 By: HLB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

SEP - 6 1994

207169

Department of Water Resources
Northern Region Office

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT C. CUNNINGHAM AND ELAINE I. CUNNINGHAM, husband and wife, the Grantors, do hereby Grant, Bargain, Sell and Convey unto W. HOWARD ELLIOTT and KATE M. ELLIOTT, husband and wife, the Grantees, whose current address is P.O. Box 933, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

Lot 20, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho.

SUBJECT TO Sanitary Regulations and Restrictive Covenants dated June 3, 1981, from Robert C. Cunningham and Elaine I. Cunningham, husband and wife, to the Public, recorded June 16, 1981, as instrument No. 158531 and 158532. Amendment to Covenants dated October 24, 1983, recorded November 7, 1983, as instrument No. 169557, all records of Custer County, Idaho.

ALSO SUBJECT TO Well and Water Agreement and Easement dated May 10, 1989, by and between Marybeth M. Peck, a single woman, and Tammy Rae Noble, a single woman, and Kathleen G. Corkin, a single woman, recorded May 12, 1983, as instrument No. 167344, records of Custer County, Idaho.

ALSO SUBJECT TO easement or use rights of sight or record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug. 19, 1994.


Robert C. Cunningham


Elaine I. Cunningham

DEC 03 1996

0207169

STATE OF IDAHO)
County of ^{GOODING} ~~Custer~~) : ss.

On this 18 day of AUGUST, 1994, before me, a Notary Public, personally appeared ROBERT C. CUNNINGHAM & ELAINE I. CUNNINGHAM, husband and wife, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same. BY

[Signature]
Notary Public
Residing at WEAVER, IDAHO
Commission Expires 5-15-99

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Custer County Title at 15 minutes past 4 o'clock P.M., this 19th day of August, 1994, in my office, and duly recorded in Book _____ of Deeds at page _____.

Ethel M. Pech

Ex-Officio Recorder

Wanda J. Murphy

Deputy

Fee: \$6⁰⁰
Mail to:



DEC 03 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-10028
Date Received: 10/18/1989
Receipt No: 19892338
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT C. CUNNINGHAM 208-366-2937
Address: P.O. BOX 760
GLENNS FERRY, ID 83623

AND/OR

Name: ELAINE I. CUNNINGHAM 208-366-2937
Address: P.O. BOX 760
GLENNS FERRY, ID 83623

2. Date of Priority: MAY 10, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	10	SW	NW	NW		CUSTER

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOMES

A72-10028

Page 1

Date: 10/18/89

DEC 03 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	10	NW NW		DOMEST	

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
PROPERTY IS LOTS 20 & 21, ROCKY MOUNTAIN MEADOWS SUBDIVISION.
DWELLING CONSTRUCTED AND WELL ARE ON LOT 21, PIPELINE EXTENDED
FOR DOMESTIC USE TO LOT 20 FOR INTERMITTENT DOMESTIC USE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 56

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elaine Dunningham Date: 10-18-89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of October 19 89
[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

207273

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT C. CUNNINGHAM AND ELAINE I. CUNNINGHAM, husband and wife, the Grantors, do hereby Grant, Bargain, Sell and Convey unto W. HOWARD ELLIOTT and KATE M. ELLIOTT, husband and wife, the Grantees, whose current address is P.O. Box 933, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

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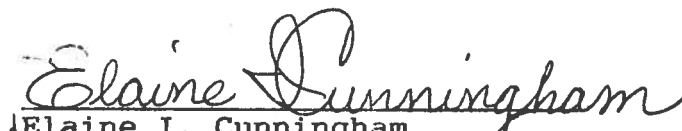
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Dated: Aug. 19, 1994.

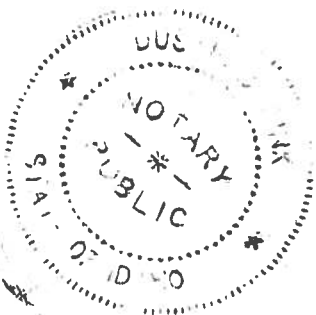

Robert C. Cunningham


Elaine I. Cunningham

DEC 03 1996

STATE OF IDAHO)
) : ss.
 County of ^{BOONVILLE} ~~Custer~~)
 On this 18 day of
AUGUST, 1994, before
 me, a Notary Public, per-
 sonally appeared ROBERT C.
 CUNNINGHAM & ELAINE I.
 CUNNINGHAM, husband and
 wife, known or identified to
 me to be the person(s) whose
 name(s) are subscribed to
 the within instrument, and
 acknowledged to me that
 they executed the same. BY

[Signature]
 Notary Public
 Residing at WENDELL, IDAHO
 Commission Expires 5-15-99



STATE OF IDAHO, COUNTY OF Custer
 I hereby certify that this instru-
 ment was filed for record at the
 request of Custer County Title
 at 5 minutes past 4
 o'clock P.M., this 31st day of
August, 1994, in my office,
 and duly recorded in Book _____
 of Deeds at page _____.

Ethel M. Peck

Ex-Officio Recorder

Wanda J. Murphy
 Deputy

Fee: \$6.00
 Mail to:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

Ident. Number: A72-10028
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Receipt No: CG 2338
Received By: [Signature]

Department of Water Resources

Southern Region Of

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AND/OR

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2. Date of Priority: MAY 10, 1983

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DWELLING CONSTRUCTED AND WELL ARE ON LOT 21, PIPELINE EXTENDED
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Number of attachments: 56 EJC

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elaine Cunningham Date: 10-18-89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

SANITARY REGULATIONS AND RECOMMENDATIONS

A legal instrument attached to the

ROCKY MOUNTAIN MEADOWS

Located in the SE SE, Section 3, NE NE, SE NE, Section 4, NW NW, NE NW, SW NW, Section 10, Township 14 N, Range 19 E, Boise Meridian.

INTRODUCTION

This instrument is presented for purposes of satisfying the Sanitary Restriction of Section 50-1326, Idaho Code. In order to clarify the context of the following instrument, please note individual topics are first presented herein with a subtitle shown in all capital letters, underlined, and followed by a colon.

Where Section, paragraph, page, or other reference numbers or letters are given in the context of a topic, said reference indicator(s) refers to and coincides with the rules, regulations and/or standards presented in the first sentence of the topic context immediately following a subtitle unless otherwise indicated.

SPECIAL NOTES: SEE PAGE 7

SEWAGE: REGULATIONS as presented and applied to this subdivision are taken from the Rules and Regulations for Individual and Subsurface Sewage Disposal Systems, (February 1978) and are cited as the "Individual and Subsurface Sewage Disposal Regulations" as per Section 1-3002.01 of said "Regulations".

In order to avoid costly unforeseen complications due to poor planning, which could result in refusal of a permit to install a sewage disposal system; and thereby, possible legal remedy to have constructed foundations and dwellings removed from the property:

An INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEM PERMIT, as required in Section 1-3005, must be obtained prior to any construction, alteration (replacement), or extension of a sewage disposal system and prior to the construction or placement of any dwelling(s) or water supply system(s) where such do not presently exist. The sewage disposal system must be installed, extended, or altered to the specifications approved on the permit and obtain, upon inspection, the approval of the Director of the Idaho Department of Health and Welfare or his authorized agent prior to use or cover of the sewage disposal system, as required in Section 1-3007, INSPECTION, "Individual and Subsurface Sewage Disposal Regulations".

SUITABILITY OF SITE FOR SUBSURFACE SEWAGE DISPOSAL, Section 1-3010

1-3010.01 Conditions of suitability. The first step in the design of subsurface disposal systems is to determine whether or not the soil is suitable for the absorption of septic tank effluent and, if so, how much area is required. In general, the following conditions must be met:

- (a) Percolation Rate. The percolation rate shall be within the range of those specified in the Table 1 of Manual Section 1-3013.02. (Table 1 presents a percolation rate range of 1 minute per inch to 60 minutes per inch.) (2-7-78)
- (b) Ground Water and Rock Formations. Rock formations or impervious strata and the maximum seasonal elevation of the ground water table shall be at least (4) feet below the bottom of the trench or seepage pit. (2-7-78)
- (c) Required Area. There shall be adequate land of suitable quality available to install or develop two (2) sewage disposal systems. (2-7-78)
- (d) Slope. The slope of the area in which the subsurface sewage systems are to be placed shall not exceed twenty percent (20%). (Not more than one (1) foot of vertical rise of surface height in five (5) feet of horizontal distance). (2-7-78)

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SANITARY REGULATIONS AND RECOMMENDATIONS

Rocky Mountain Meadows

Page 2

SEWAGE: cont'd

conventional subsurface sewage disposal system. Where unusual conditions exist, disposal systems other than subsurface sewage disposal systems may be employed, provided they are acceptable to the Director. ("Director" as defined in Section 1-3003.05 will herein refer to the District Seven Health Department and agents thereof.) (2-7-78)

When the site chosen does not meet the conditions of suitability as given in Section 1-3010.01 or the maximum seasonal elevation of the ground water table exists less than four (4) feet from the original ground surface; an alternate system will be acceptable when the following CONDITIONS are satisfied:

CONDITION 1. Plans and specifications for the alternate system are designed to create a sewage disposal system which complies with the intent of Section 1-3004.01 of the Individual and Subsurface Sewage Disposal Regulations, (February 1978). ~~THESE PLANS AND SPECIFICATIONS MUST BE DESIGNED, STAMPED, AND SIGNED, OR OTHERWISE ENDORSED AS APPROVED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF IDAHO.~~

CONDITION 2. The "Person" (as defined in Section 1-3003.04) who makes a sewage permit application for an alternate sewage disposal system must acknowledge and certify said acknowledgement of the following:

- (a) That the District Seven Health Department, Idaho Department of Health and Welfare, the State of Idaho and respective officers, agents, representatives, and employees of said agencies and State give no expressed or implied warranty concerning the intended proper function of the alternate sewage disposal system.
- (b) That the District Seven Health Department, Idaho Department of Health and Welfare, the State of Idaho, and respective officers, agents, representatives, and employees of said agencies and State shall be held harmless, personally and/or professionally, from liability of any nature or kind, including costs and expenses, caused by installation or operation of the sewage disposal system or any part thereof.
- (c) That the District Seven Health Department, Idaho Department of Health and Welfare, and representatives of either agency will be allowed upon the premises at any reasonable time to inspect the alternate sewage disposal system and to collect water and soil samples from the system as are needed to determine the performance of said system.
- (d) That if the alternate sewage disposal system fails in such a manner as to cause said system to no longer comply with Section 1-3004.01 or otherwise cause a health hazard; the alternate sewage disposal system will immediately be repaired, altered, or abandoned in a manner which complies with Section 1-3005, (Permit required if system is to be altered or extended) and brings the sewage disposal system back to compliance with Section 1-3004.01
- (e) That any modifications to the plans and specifications for the alternate sewage disposal system, as approved with the permit application, must be submitted under the same CONDITIONS as given in CONDITION 1 above and under all acknowledgements of CONDITION 2., hereof, and must be approved by the District Seven Health Department prior to actual construction of said modifications.
- (f) That the alternate sewage disposal system must be installed, entirely, by a registered installer of individual and subsurface sewage disposal systems (as described in Section 1-3006 of the "Individual and Subsurface Sewage Disposal Regulations,") who

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must also be an individual other than the applicant presented on the permit application.

- (g) That prior to the use or covering of the alternate sewage disposal system, the registered installer of the alternate sewage disposal system must present written notarized certification upon form(s) provided by the District Seven Health Department, that the alternate sewage disposal system has been installed entirely according to the plans and specifications approved with the permit application.
- (h) That prior to use of the alternate sewage disposal system, a legal instrument shall be attached to and recorded with the warranty deed of the property upon which the alternate system is installed and shall achieve the following:
 - i state the purpose and intent of the instrument
 - ii state the permit or receipt number under which the alternate system was installed and date issued
 - iii state the legal description exactly as it is found on the warranty deed to which it is to be attached
 - iv state the name of the permit applicant and the name of the registered installer who installed the sewage disposal system
 - v state the CONDITIONS, including all acknowledgements under which the alternate sewage disposal system was installed and that said CONDITIONS and acknowledgements must remain in effect for as long as said sewage disposal system is utilized.
 - vi state that the instrument, in its entirety, must remain attached to the warranty deed only for so long as the alternate sewage disposal system is utilized and that any successive purchaser or guardian of the property must acknowledge and certify that said easement shall remain attached to the warranty deed and be so presented to any other buyer or guardian as a condition of purchase or transfer for so long as the alternate sewage disposal system is utilized.

CONDITION 3. All plans, specifications, and documents required in CONDITIONS 1 and 2 and the District VII Sewage Permit Application must be submitted to the District Seven Health Department and receive the approval of the District Seven Health Department prior to the appropriate and respective implementation of said plans, specifications, and documents.

1-3013.04 Component Separations.

The selection of the absorption system will be dependent to some extent on the location of the system in the area under consideration. A safe distance will be maintained between the site and any source of water supply. Since the distance that pollution will travel underground depends upon numerous factors, including the characteristics of the subsoil formations and the quantity of sewage discharged, no specified distance would be absolutely safe in all localities. Ordinarily, of course, the greater the distance, the greater will be the safety provided. In general, location of components of sewage disposal systems should be as shown in the Table 2 in Manual Section 1-3013.05.

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1-3013.05 Minimum Distance Between Components of Sewage Disposal System

Table 2

Component of System	Well or suction line	Water supply line (pressure)	Streams ponds and lakes	Dwelling	Property line (c)	Canal ditch and drain (d)
Building Sewer	50	10 (a)	---	---	---	---
Septic Tank	50	10	50	5	5	10
Disposal field and seepage bed	100	25	300 (b)	20	5	50
Seepage pit	100	25	300 (b)	20	5	50

(2-7-78)

WATER: RECOMMENDATION: When an individual domestic water supply system is to be constructed, said individual water supply system should be constructed in a manner which complies with the Standards for Individual Water Supply Systems, (Environmental Services Division, Bulletin 5, Revised 1967) which may be obtained from the District Seven Health Department.

REGULATIONS: The ground waters of the State of Idaho are a public resource. The Department of Water Resources has responsibility for administration of these ground water resources, and to conserve and protect them against waste and contamination. Every water well constructed must be in compliance with Well Construction Standards established by the Idaho Department of Water Resources.

STAGNANT WATERS:

RECOMMENDATIONS based on the intentions of the Well Construction Standards of June, 1975 of the Department of Water Resources of Idaho and of the Individual and Sub-surface Sewage Disposal Regulations, 1978.

1. No open sloughs, ponds, or dry pits shall be created or allowed to exist which contaminate underground water or provide for the propagation of insects and disease harmful to man or serve no useful purpose.
2. No open sloughs, ponds, or open pits shall be created within 300 feet of the absorption area (drainfield) of any sewage disposal system.

SOLID WASTE:

REGULATIONS as presented and applied to this subdivision are taken from the Idaho Solid Waste Management Regulations and Standards, June 28, 1973.

REGULATIONS: No lot shall be used or maintained as a dumping or storing ground for cars, rubbish, trash or other waste. All solid waste and post-consumer products accumulated on each lot shall be managed during storage, collection, transfer or transport in such a manner that said solid wastes and post-consumer products shall not:

- A) provide sustenance to rodents or insects which are capable of causing human disease or discomfort
- B) cause or contribute to the pollution of air
- C) cause or contribute to the pollution of surface or underground waters
- D) cause excessive abuse of land
- E) cause or contribute to noise pollution
- F) abuse the natural aesthetic quality of an area.

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- G) physically impair the environment to the detriment of man and beneficial plant life, fish and wildlife.

All solid waste and post-consumer products must be disposed of at a solid waste disposal site approved by the Idaho Department of Health and Welfare. Burning of solid waste and post-consumer products must not be conducted upon any portion of this subdivision.

AIR POLLUTION:

REGULATIONS as presented and applied to the subdivision are taken from the Rules and Regulations for the Control of Air Pollution in Idaho, May 5, 1977.

D. Section 2

REGULATIONS FOR CONTROL OF OPEN BURNING

GENERAL RESTRICTIONS

- A. Notwithstanding the provisions of subsection B of this section, no person shall allow, suffer, cause or permit the open burning of materials which emit toxic contaminants or large volumes of smoke, particulates or odors (such materials are garbage, rubber, plastics, heavy petroleum products, dead animals, treated wood, asphalt shingles, demolition debris, industrial and commercial waste, etc.)
- B. No person shall allow, suffer, cause or permit any open burning operation which does not fall into at least one of the categories of Section 3.
- C. Any open burning operation that would normally be allowed by Section 3 of this regulation, but is determined to be a nuisance, hazard or source of air pollution shall be prohibited.

Section 3

CATEGORIES OF ALLOWABLE BURNING

- A. Fires used for the preparation of food, campfires and fires for recreation purposes, under control of a responsible person.
- B. Fires used for control or alleviation of fire hazard or for weed control when no alternate method exists. When such burning requires a permit from an organized fire-fighting agency having proper jurisdiction, issuance of such permit shall be based on consideration or potential environmental damage and suitability of alternate methods in addition to other factors.
- C. Fires used in the training of organized fire-fighting personnel
- D. Properly operated industrial flares for combustion of flammable gases
- E. Readily combustible rubbish produced by operation of a domestic household may be burned on the property from which the rubbish was generated if no public or commercial solid waste collection service is available and the property is located in an area of low population density, defined as having fewer than 100 dwellings per square mile. This shall include tree leaves and gardening waste. Rubbish is defined in the Idaho Solid Waste Control Regulations and Standards as non-putrescible solid waste except abandoned vehicles and car bodies or car body parts, industrial solid waste and agricultural solid waste.
- F. Burning at community tree disposal areas and private disposal sites shall be in compliance set forth in the Idaho Solid Waste Control Regulations and Standards.
- G. There shall be no open burning of junked motor vehicles

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AIR POLLUTION: cont'd

H. The open burning of plant life grown on the premises in the course of any agricultural, forestry, or land-clearing operation may be permitted when it can be shown that such burning is necessary and that no fire or traffic hazard will occur. Convenience of disposal is not of itself a valid necessity for burning.

1. It shall be the responsibility of any person conducting such burning to make every reasonable effort to burn only when weather conditions are conducive to good smoke dissipation and only when an economical and reasonable alternate method of disposal is not available.

IDAHO CODE

39-117 Violation - Penalty - Misdemeanor

Any persons who wilfully or negligently violates any of the provisions of the public health or environmental protection laws or the terms of any lawful notice, order, permit, standard, rule or regulation issued pursuant thereto, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300) for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

I.C., § 39-117, as added by 1973, ch. 137, §1, p. 268

50-1326 Violation a misdemeanor

Any person, firm or corporation who constructs or causes to be constructed, a building or shelter on a parcel of less than five (5) acres or a platted parcel prior to the satisfaction of the sanitary restriction, or who installs or causes to be installed water and sewer facilities thereon prior to the approval of plans and specifications thereof by the Department of Health shall be guilty of a misdemeanor. Each and every day that such activities are carried on in violation of this section shall constitute a separate and distinct offense.

I.C. § 50-1326, as added by 1971, ch. 329, §5, p. 1294

SUMMATION: The aforementioned Rules, Regulations, Standards and any future addendums thereto, as presented and applied to the attached Rocky Mountain Meadows Subdivision Plat, duly recorded in the Custer County Courthouse, are binding and legally enforceable by means of their respective authorities.

JFW/mb
5/22/79

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SPECIAL NOTES:

Review of this plat indicates that special restrictions will be made on these lots as follows:

Lots # 1-15 will require percolation testing in the area of the proposed drain field prior to issuance of sewage disposal installation permits. Lot # 16 will require a drain field based on a design percolation rate of 60 minutes per inch. Lot # 16 will also require this system be installed at about the 45 inch depth horizon as per soil analysis dated May 12, 1981. The closest point of the system can be no closer than 250 feet from Challis Creek as per variance granted 5-14-81. Location of system for Lot # 16 must be as shown on contour plat provided by Johnston and Couch, Engineers and Surveyors Salmon, Idaho.

Further, an on sight review of system location will be required prior to issuance of permit. For Lot # 17-23 inclusive, all septic tanks and drain fields will be located in a area that is within 100 feet North of and parallel to the road easement shown on the final plat.

Further Lot # 23 shall have system located in the Eastern half of the above designated area only. Design percolation rate for Lots # 17-23 shall be 60 minutes per inch. In addition to the previously mentioned requirements, Lots # 20, 21 & 23 will be required to install systems at minimum depths to insure proper separation from possible high sub water.

Lot # 24 must meet the same requirements as Lots # 1-15.

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SANITARY REGULATIONS AND RECOMMENDATIONS

Rocky Mountain Meadows
Page 8

ACKNOWLEDGEMENT, AUTHORIZATION, AND NOTORIZATION OF THESE SANITARY
REGULATIONS AND RECOMMENDATIONS AS A LEGAL AND BINDING INSTRUMENT:

I, Robert C. Cunningham, Elaine I. Cunningham being the certified owner(s) or duly
Print
authorized representative(s) thereof, as presented on Rocky Mountain Meadows
Subdivision Plat located in the SE SE, Section 3, NE NE, SE NE, Section 4, NW
NW, NE NW, SW NW, Section 10, Township 14 N, Range 19 E, Boise Meridian, Custer
County, Idaho, do hereby acknowledge and make legally binding upon all portions
of the above plat, the SANITARY REGULATIONS AND RECOMMENDATIONS as attached
hereto on Pages 1-8 for purposes of satisfying the Sanitary Restrictions of
Section 50-1326, Idaho Code.

Robert C. Cunningham
Signature of Owners

6/3/81
Date

Elaine I. Cunningham
Signature of Owners

6/3/81
Date

Subscribed and sworn to before me this 3rd day of June, 1981

Edward C. Bayless
Notary Public for the State of Idaho

My commission expires Life

Residing at Linki Co, Salmon

SANITARY RESTRICTIONS INSTRUMENT CERTIFICATION

These SANITARY REGULATIONS AND RECOMMENDATIONS hereto attached to the
are the SANITARY REGULATIONS AND RECOMMENDATIONS stipulated under the SANITARY RESTRICTI
of said plat.

BY: Edward C. Bayless

DATE: 6/3/81

Environmental Quality Specialist

District Seven Health Department

COUNTY RECORDER'S CERTIFICATE

Instrument No.: _____

STATE OF IDAHO }
COUNTY OF _____ } SS.

This instrument was filed for record at the request of _____
at o'clock _____ M., 19 _____ and
duly filmed and indexed in the Records of _____ County, Idaho.

MICROFILMED

MAR 18 1993

Deputy

Ex-Officio Recorder

COPY

STATE OF)
COUNTY OF) ss
Witness my hand and Official Seal.
Indexed Paged Blotted

I hereby certify that the within instrument was
filed for record in CUSTER County,
State of Idaho

Ethel M. Guck
County Recorder

By

Deputy

No. 184720

Book _____ Page _____

Date: 5/18/87 1:00 PM

Request of R. H. Carlin
2.00 Fee

When recorded, mail to:

ROBERT & ELAINE CUNNINGHAM Box 760 - GLENDALE, IDAHO 83223

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That I (we), KATHLEEN GWEN CORKIN,
the undersigned, for the consideration of Ten Dollars, and other valuable considerations, do hereby release, remise,
and forever quitclaim unto ROBERT AND ELAINE CUNNINGHAM,
HUSBAND AND WIFE,
all right, title and interest in that certain property situated in CUSTER County,
State of IDAHO, and described as follows:

LOT 20, ROCKY MOUNTAIN MEADOWS, CUSTER COUNTY,
IDAHO, AS SHOWN BY THE OFFICIAL PLAT THEREOF,
RECORDED AS INSTRUMENT NO. 158530, RECORDS
OF CUSTER COUNTY, IDAHO

Dated:

5-13-87

Kathleen Gwen Corkin
RELEASEOR

RELEASEOR

ACKNOWLEDGEMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss

On this 13th day of MAY, 19 87, before me, the undersigned Notary
Public, personally appeared KATHLEEN GWEN CORKIN,
to me known to be the individuals(s) described in and who executed the foregoing instrument, and acknowledged
that he (she) (they) executed the same as his (her) (their) free act and deed.

My Commission Expires Dec. 14, 1990

My Commission expires:

Mary Guine
Notary Public

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MAR 19 1993

Copy

167344

EXHIBIT "A"
WELL AND WATER AGREEMENT
WITH EASEMENT

THIS WELL AND WATER AGREEMENT WITH EASEMENT, Made and entered into this 10th day of May, 1983, by and between MARYBETH M. PECK, a single woman, and TAMMY RAE NOBLE, a single woman, of County of Custer, State of Idaho, hereinafter referred to as "Peck-Noble", and KATHLEEN G. CORKIN, a single woman, of County of Custer, State of Idaho, hereinafter referred to as "Corkin";

W I T N E S S E T H:

WHEREAS, Peck-Noble own and occupy property described as follows,

to-wit:

Lot 21, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho, and

WHEREAS, Corkin owns and occupys property described as follows,

to-wit:

Lot 20, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho, and

WHEREAS, All parties have equally shared in the installation, construction and establishment of a certain well, pump, pressure tank and the related well house building and facilities located upon the premises of Peck-Noble above described, and

WHEREAS, The parties wish to enter into certain understandings and agreements pertaining to the continued use and maintenance of the described well and equipment, and

WHEREAS, Certain easements and understandings need to be stipulated and set forth in regard to the use of the described property, facilities and improvements, and

WHEREAS, The parties wish to set forth those understandings herein in full, without limitation.

NOW, THEREFORE, In consideration of \$5.00 in hand paid each party to the other, and in further consideration of the agreements and understandings herein contained, it is understood and agreed as follows, to-wit:

1. That Corkin has paid for 50% of the cost of installation of that certain well, pump system, pressure tank, water facilities and well house

JAMES R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226
TEL (208) 879-4488

Cunningham

A72-10028

located approximately 33 feet North of the South boundary of the described Peck-Noble property and 16 feet, more or less, West of the property line between the above described parcels, (such property line being the West boundary of the Corkin property above described).

2. Peck-Noble therefore grant to Corkin a perpetual easement approximately 16 feet in length and of sufficient width from the described well location to the property line of Corkin to the East as might be adequate for the installation, maintenance and repair of the water line approximately 1½ inches in diameter and of sufficient depth below ground to secure the same from freezing, such easement to include the right, perpetually, to repair and maintain the same together with an easement along the same route for the inspection of the well, pumping facility and related premises. Corkin shall further hold an easement over the described well and well house for the proper inspection, maintenance and repair thereof. Additionally, an easement is granted for the purpose of maintaining power to the described well, overhead or underground, from the present power pole and power source to the Southeast from the described well location.

3. Peck-Noble understand and agree that they will not locate anything permanently upon their property in the particular location noted, which would interfere with the continued use of the easements granted.

4. The parties shall equally share (50% Corkin and 50% Peck-Noble) in the maintenance of and repair or replacement of the described pressure tank, pump and well as necessary but either party shall be responsible for the installation, maintenance and repair of their own water line as it exits the described pressure tank to the separate facilities of each party.

5. The parties agree that currently Corkin will reimburse Peck-Noble for the power used to supply water to her premises by paying to Peck-Noble each month on or before the 5th day thereof, the amount of the Salmon River Electric Cooperative, Inc. monthly meter charge. Such payment shall entitle her to the use of water for domestic purposes or for irrigation purposes as she sees fit. Should either party determine that such payment is not fair payment and should the parties fail to otherwise agree as to a fair payment, it is agreed that upon the demand of either party, a meter shall be installed upon the Corkin line. The parties shall then determine, upon an experimental basis

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or otherwise, the cost per gallon of pumping water to the Corkin property. Corkin shall thereafter reimburse Peck-Noble for the power costs in furnishing water to her premises on a per gallon or measured basis. Corkin shall nonetheless continue to be obligated to pay 1/2 of the costs of maintenance and replacement of the system to the point where her line exits the pressure tank and 1/2 the costs of the well house facility maintenance or repair.

6. This agreement shall be perpetual in nature and shall continue until modified by the parties or their successors in interest and these agreements and covenants, whether benefit or burden, shall continue upon the lands.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

Marybeth M. Peck
Marybeth M. Peck

Kathleen G. Corkin
Kathleen G. Corkin

Tammy Rae Noble
Tammy Rae Noble

STATE OF IDAHO)
: ss.
County of Custer)

On this 10th day of May, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared MARYBETH M. PECK, a single woman, TAMMY RAE NOBLE, a single woman, and KATHLEEN G. CORKIN, a single woman, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

James R. Bennett
Notary Public for Idaho
Residing at Challis, Idaho
My Commission Expires: Life

STATE OF IDAHO)
COUNTY OF CUSTER)ss.

This instrument was filed for record
at the request of JAMES R. BENNETT
at 1:10 o'clock P.M. on May 12 1983
and duly filed and indexed in the Records of Custer
County.

Ethel M. Peck
Ex-Officio Recorder

By Viola G. Duffey Deputy
Fees 6.00

WELL AND WATER AGREEMENT
WITH EASEMENT

WARRANTY DEED

175249

For Value Received

MARYBETH M. PECK, a single woman, and TAMMY RAE NOBLE, a single woman,
the grantor s do hereby grant, bargain, sell and convey unto
ROBERT C. CUNNINGHAM and ELAINE I. CUNNINGHAM, husband and wife,
the grantee s, whose current address is P. O. Box 760
Glenns Ferry, Idaho 83623
the following described premises, in Custer County Idaho, to-wit:

Lot 21, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho.

EXCEPTING AND RESERVING THEREFROM All water and water rights, SUBJECT TO Those certain sanitary regulations and Restrictive Covenants dated June 3, 1981, from Robert C. Cunningham and Elaine I. Cunningham, husband and wife, to the Public, recorded June 16, 1981, as instrument Nos. 158531 and 158532, records of Custer County, Idaho, and SUBJECT TO All easements of sight and record.

RESERVING AND EXCEPTING THEREFROM, However, all right, equity, interest or title in and to that certain double-wide mobile dwelling located upon the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 1985.

Tammy Rae Noble

Marybeth M. Peck

STATE OF IDAHO, COUNTY OF CUSTER

On this 4th day of October, 1985, before me, a notary public in and for the said State, personally appeared MARYBETH M. PECK, a single woman, and TAMMY RAE NOBLE, a single woman,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

James B. Brund
Notary Public
Residing at Challis
Comm. Expires Life

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Elaine Cunningham

at 20 minutes past 11 o'clock A.M.,
this 7th day of October,
1985, in my office, and duly recorded in Book
of Deeds at Page

Edith M. Peck
Ex-Officio Recorder

By Lucia Peterson Deputy.

Fees \$ 2.00/
Mail to:

MEMORANDUM AND ASSIGNMENT

THIS MEMORANDUM AND ASSIGNMENT, entered into this 1st day of October, 1985, by and between ROBERT C. CUNNINGHAM and ELAINE I. CUNNINGHAM, husband and wife, of Glens Ferry, County of Elmore, State of Idaho, hereinafter referred to as "Cunninghams," and MARYBETH M. PECK, a single woman, and TAMMY RAE NOBLE, a single woman, of the County of Custer, State of Idaho, hereinafter referred to as "Peck-Noble,";

W I T N E S S E T H :

WHEREAS, on or about the 15th day of March, 1983, Cunninghams sold to Peck-Noble and Peck-Noble agreed to purchase and pay for property described as follows, to-wit:

Lot 21, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho.

EXCEPTING AND RESERVING THEREFROM All water and water rights,
SUBJECT TO Those certain sanitary regulations and Restrictive Covenants dated June 3, 1981, from Robert C. Cunningham and Elaine I. Cunningham, husband and wife, to the Public, recorded June 16, 1981, as instrument Nos. 158531 and 158532, records of Custer County, Idaho, and
SUBJECT TO All easements of sight and record.

WHEREAS, the property was sold by the terms of a certain Sale Agreement setting forth the down-payment and method of payment in respect to the deferred portion of the balance, and setting forth other terms and agreements;

WHEREAS, such documents were placed in escrow with Custer County Bank

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ATTORNEY AT LAW
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CHALLIS, IDAHO 83226
TEL. (208) 879-2488

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purchased by separate agreement from third parties by Peck-Noble. It is the understanding and agreement of the parties that such mobile home or double-wide is not a part of the real property and is, therefore, fully exempt and reserved from the transfer or grant being made by Peck-Noble. It is further understood and agreed by and between the parties that all the rest and remainder of the improvements upon the premises, including but not limited to, a sewer system and well, along with the interests of Peck-Noble in a Well and Water Agreement with Easement with one Kathleen G. Corkin, executed on or about the 10th day of May, 1983, a copy of which is attached hereto and made a part hereof as Exhibit "A", is included within the transfer of the described Lot 21, Rocky Mountain Meadows, and this Assignment. Further, Cunninghams acknowledge that they have read and understood such Well and Water Agreement with Easement and fully accept and assume the responsibilities of Peck-Noble as established there

4. The parties further agree that they do hereby release each other from further liability or responsibility in respect to the March 15, 1983 sale and purchase of Lot 21, Rocky Mountain Meadows. Cunninghams specifically agree that the debt created by such documents is hereby fully terminated and cancelled. Therefore, Peck-Noble, by these terms, direct First Security Bank of Idaho, Custer County Office, to release all documents held in escrow in regard to this transaction to Cunninghams or their authorized agent.

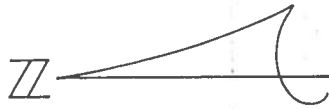
5. The parties will execute this Memorandum and Assignment in triplicate with the original to be delivered to the escrow holder for its guidance in the premises, and with each party to hold an executed copy thereto. The parties specifically release First Security Bank of Idaho from any and all liability or responsibility for acting in accordance with these directions.

6. The parties have further agreed that each party will accept the property without title insurance, but should there be a defect in respect to

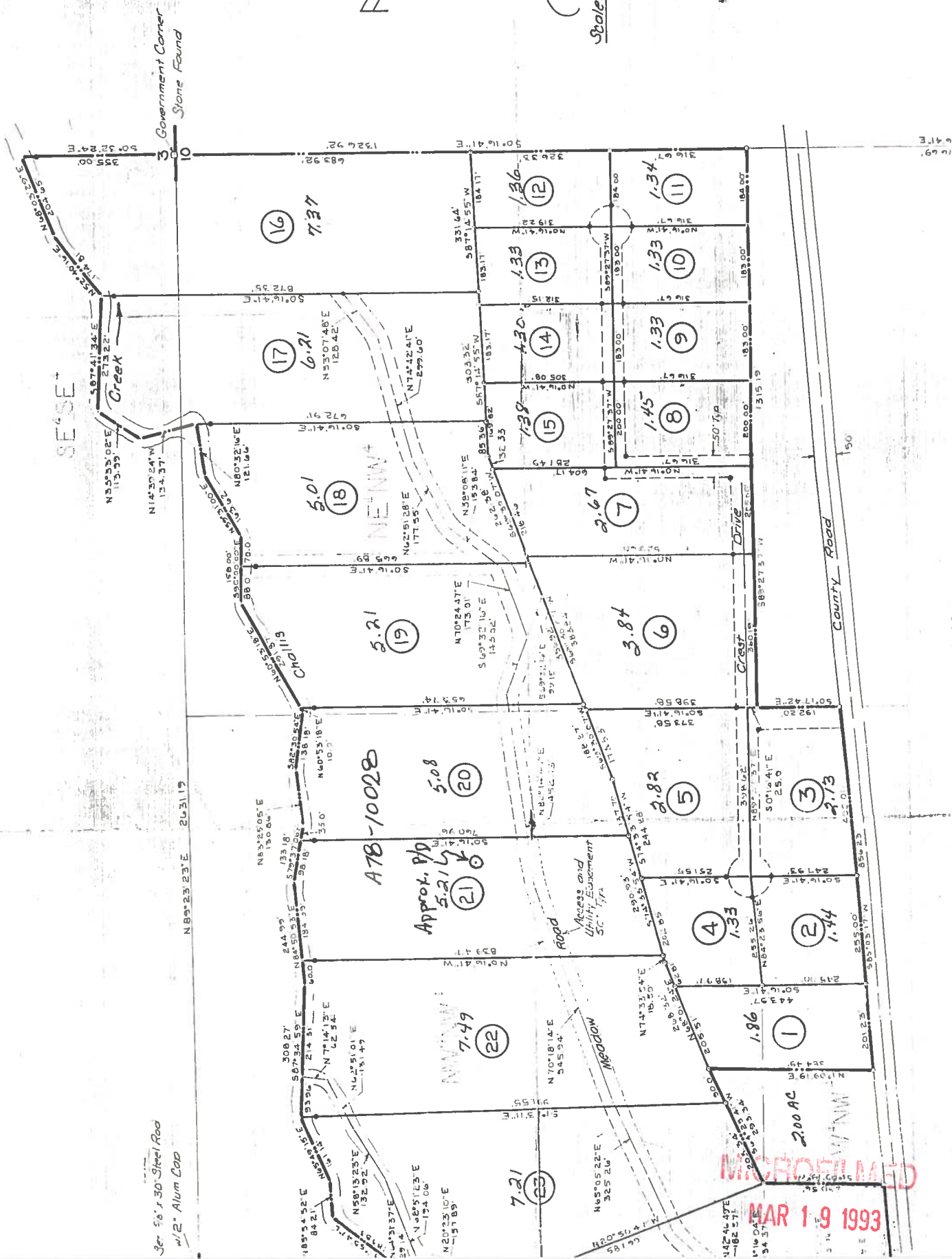
JAMES R. BENNETT
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226
TEL. (208) 879-2488

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Scale: 1"=200'



RECORDED
MAR 19 1993

ACCEPTANCE

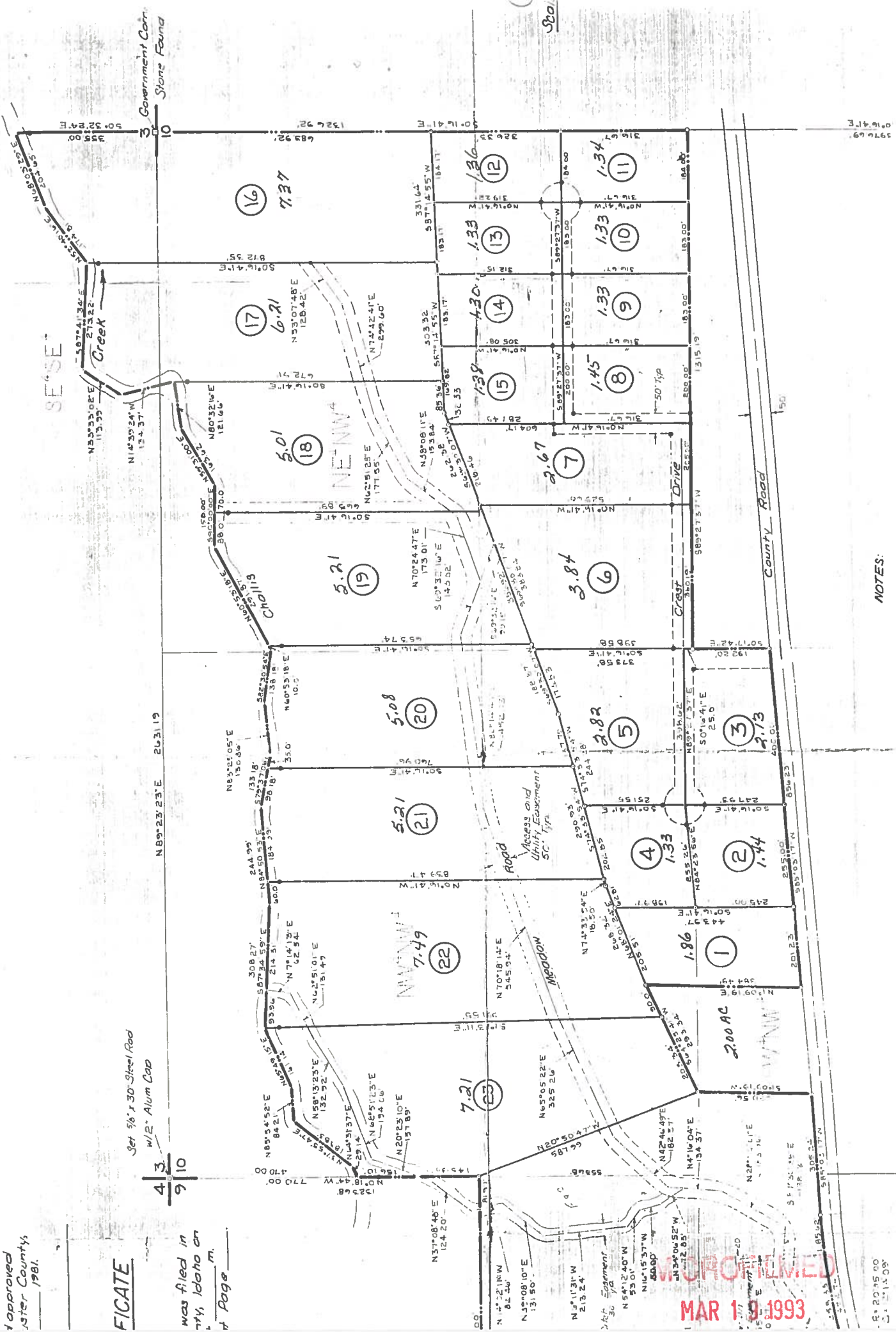
Approved
Jester County
1981

FICATE

was filed in
Jester County
m.
Page

43
910

Set 3/4" x 30" Steel Rod
w/ 1/2" Alum Cap



NOTES:

MAR 19 1993

COMMUNICATION DOCUMENTATION

Claim No. A72-10028

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

77

Date

08-01-94

Contact Person(s)

CINDY VAN PENT, ROBERT REINHART
CHAIRMAN

Nature of Contact

how to: change ownership

Substance of Communication

use form - statute reqs.
for an adjud. claim

MICROFILMED
NOV 11 1994

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

11 50

TO:

Cindy Van Relt - Rabi Real Estate

DATE:

08-01-1994

FROM:

02 SCC

FILE:

FILE NO:

472-1828

SUBJECT:

Don Well on property being sold

REMARKS:

Claine Cunningham - Seller.

use Don Change Form

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

MICROFILMED
NOV 2 1994

SD-0601-2 Last Name: CUNNINGHAM

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Des
CUNNINGHAM							
	ROBERT C.	C	A72-10028	05/10/1983	GROUNDWATER	0.040	43 DOMES
	ELAINE I.	C	A72-10028	05/10/1983	GROUNDWATER	0.040	43 DOMES
	ROBERT C	C	R72-10028	05/10/1983	GROUNDWATER	0.040	43 DOMES
	ELAINE I	C	R72-10028	05/10/1983	GROUNDWATER	0.040	43 DOMES

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Continue) (GOLD7=This Query)

(Menu _____)

To	<u>Frank</u>		
Date	<u>08-1</u>	Time	<u>11:25</u> ☒ AM ☐ PM
WHILE YOU WERE OUT			
M	<u>Cindy Van Pelt</u>		
of	_____		
Phone	(<u> </u>)	<u>879-2211</u>	
	Area Code	Number	Extension
TELEPHONED	☒	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL ☐			
Message	<u>Question about</u> <u>domestic</u> <u>well transfer</u>		
Operator _____			

OFFICIAL®

009000

MICROFILMED
NOV 12 1994

WATER EXAMINER